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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., & A.J. MADISON,**

Plaintiffs,

v.

PAT ALLEN, in his official capacity as head of
the Oregon Health Authority, **DOLORES
MATTEUCCI**, in her official capacity as
Superintendent of the Oregon State Hospital,
Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)

Case No. 3:21-cv-01637-MO (Member Case)

[PROPOSED] ORDER DETERMINING
SUPREMACY CLAUSE ISSUES

**JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON,**
Plaintiffs,

Case No. 3:21-cv-01637-MO (Member Case)

v.

DOLORES MATTEUCCI, Superintendent
of the Oregon State Hospital, in her individual
and official capacity, **PAT ALLEN**, Director
of the Oregon Health Authority, in his
individual and official capacity,
Defendants.

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel Compliance with this Court's Orders and Determine Supremacy Clause Issue pursuant to my September 2022 order, as modified in July 2023. Dkt. 416; Dkt 273. Having reviewed the papers filed in support of this motion, the Court GRANTS the Plaintiffs' motion IN PART, for the reasons stated on the record. Accordingly, [the Court DENIES Plaintiffs' request to compel transport by the Marion County Sheriff's Office](#) and ORDERS the following:

- (1) The Court takes JUDICIAL NOTICE that circuit courts throughout the state of Oregon have been holding hearings on whether they are bound by my September 2022 and July 2023 order and that state circuit court judges in Marion County have issued orders prohibiting the release of detainees for the purpose of thwarting those orders.
- (2) The Court exercises its powers under the Supremacy Clause of the United States Constitution and ORDERS that the Oregon State Hospital shall continue to implement the length of stay recommendations in the Neutral Expert's June 2022 report as described in my July 2023 order. ECF 416.
- (3) The Court DECLARES that, pursuant to the Supremacy Clause of the United States Constitution, to the extent any contrary state or local law, rule, court order,

or constitutional provision directly interferes with or impairs the execution of responsibilities defined by this Court's orders by any person or entity in this proceeding, that law, rule, court order, or constitutional provision is superseded by this Court's orders as superior federal law.

- (4) The Court specifically DECLARES that orders issued by state court judges in Marion County prohibiting the release of detainees held at Oregon State Hospital for restoration purposes are void under the Supremacy Clause, to the extent that those state court orders tend to prohibit, to restrict, or to impair the release of detainees otherwise subject to release under this Court's orders.

DATED this _____ day of September 2023 in Portland, Oregon.

Hon. Michael W. Mosman
United States District Judge

Respectfully Submitted by:

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